



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**  
Public Notice Number: NAN-2007-741-WSC  
Issue Date: January 17, 2008  
Expiration Date: February 1, 2008

## To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Hudson County Department of Engineering  
595 County Avenue  
Secaucus, NJ 07094

ACTIVITY: Construct Shellfish Bed

WATERWAY: Newark Bay

LOCATION: City of Bayonne, Hudson County, New Jersey

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

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permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.


Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Waterfront Development Permit from the New Jersey Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

FOR   
Richard L. Zomer  
Chief, Regulatory Branch

Enclosures

### WORK DESCRIPTION

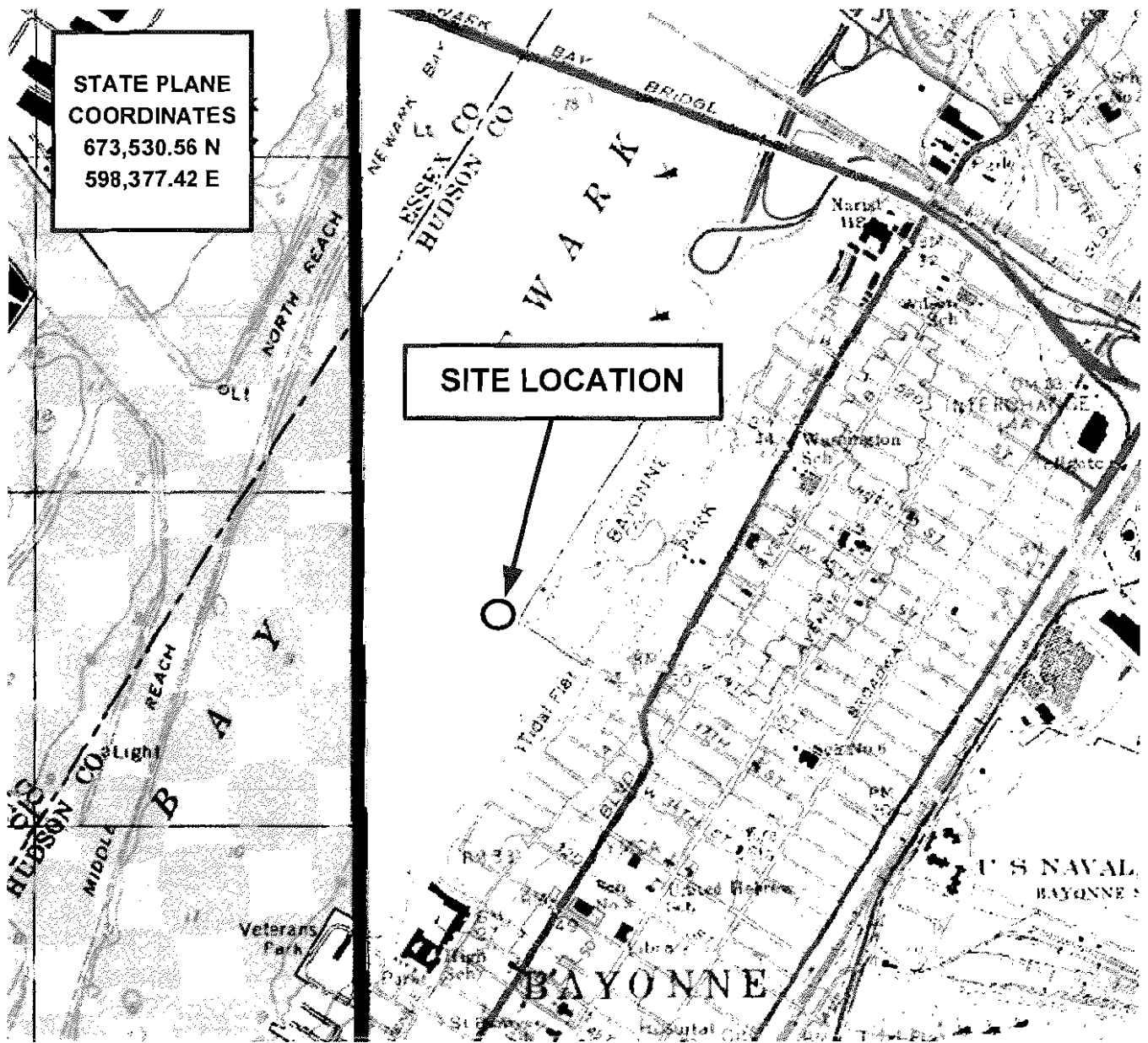
The applicant, the Hudson County Department of Engineering, has requested Department of the Army authorization to construct a shellfish bed in Newark Bay off of Stephen B. Gregg Park, City of Bayonne, Hudson County, New Jersey.

The work would involve construction of a 90 foot long by 10 foot wide shell bed on the bottom of Newark Bay at Stephen B. Gregg Park. The bed would run parallel to the edge of an existing bulkhead at the southern end of the site and would be located approximately 30 feet from the shore. The total height of the bed would be 12 inches to 14 inches, consisting of a 6 inch thick base layer that includes 4-inch size stone bedding and a 6 inch to 8 inch surf clam bed on top of the stone bedding.

The stated purpose of this project is to improve fisheries habitat by creating a shellfish bed on the bottom of Newark Bay by attracting game fish and other marine organisms. It is anticipated that the shellfish bed will provide the diversified habitat to sustain recreational fishing opportunities at the adjacent park.

STATE PLANE  
COORDINATES  
673,530.56 N  
598,377.42 E

SITE LOCATION



ELEVEN TINDALL ROAD  
MIDDLETOWN, NEW JERSEY 07748  
PHONE: (732) 671-6400 FAX (732) 671-7365

## SITE LOCATION

### FISHERIES HABITAT IMPROVEMENT PROJECT CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY

1" = 2,000'

SOURCE: USGS - JERSEY CITY-ELIZABETH (NJ/NY) QUADRANGLE 1976



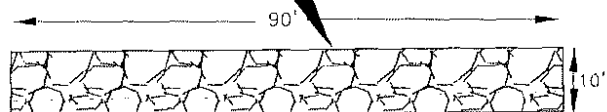
SCALE IN FEET

FEBRUARY 2007

HUDS - G0702

Figure 1

PROPOSED MARINE HABITAT



30' TYPICAL

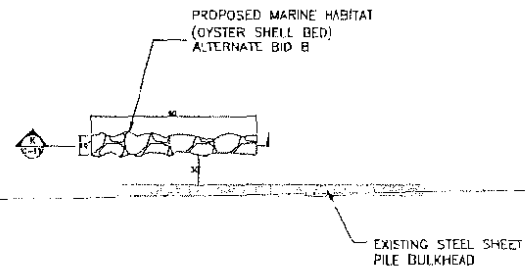
CONC. BULKHEAD

Depressed  
Curb

0901-05-0007.1

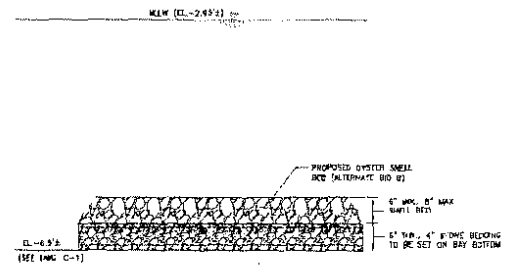
JUN 20 2007

1. SHEET NO. 05-0007.1		SHEET	
2. DATE 05/10/07		DATE	
3. REVISIONS		REVISIONS	
HUDSON COUNTY BOARD OF CHOSEN FREEHOLDERS			
IMPROVEMENTS TO WATERFRONT STEPHEN R. GREGG - BAYONNE PARK BAYONNE, HUDSON COUNTY, NEW JERSEY			
PROPOSED FISHERIES HABITAT IMPROVEMENT PROJECT			
 TM ASSOCIATES 10 WALL STREET NEW YORK, NY 10005 TEL: 212-675-1100 FAX: 212-675-1101 PROJECT NO. 05-0007.1 DRAWING NO. 05-0007.1		ANTHONY A. PANZARINO, P.E. 4/10/07 6/5/07 DATE OF REGISTRATION EXPIRATION PROJECT NO. 05-0007.1 DRAWING NO. 05-0007.1	
C-4		6	



PROPOSED MARINE HABITAT PLAN  
N.T.S.

APPLICABLE TO ALTERNATE BID B



SECTION K  
NOT TO SCALE

APPLICABLE TO ALTERNATE BID B

0901-05-0007

3. 10/2/07 115 PER HAZARD COMMENTS		DATE	12/01
4. 10/2/07 115 PER HAZARD COMMENTS		DATE	12/01
5. 10/2/07 115 PER HAZARD COMMENTS		DATE	12/01
NO. 1 DATE		DATE	12/01
HUDSON COUNTY BOARD OF CHOSEN FREEHOLDERS			
IMPROVEMENTS TO WATERFRONT STEPHEN R. GREGG - BAYONNE PARK BAYONNE, HUDSON COUNTY, NEW JERSEY			
PROPOSED FISHERIES HABITAT IMPROVEMENT PROJECT PLAN & SECTION (ALT. BID B)			
TM ASSOCIATES 11 "WINDY" ROAD MELROSE, N. J. 07646 TEL: 201-471-1100 FAX: 201-471-1101 WWW.TM-ASSOCIATES.COM		ANTHONY A. PANZARINO, P.E. REGISTERED PROFESSIONAL ENGINEER STATE OF NEW JERSEY NO. 401486 DESIGNED BY: [Signature] CHECKED BY: [Signature] DATE: 10/2/07 PROJECT: BAYONNE PARK SHEET: C-12	
14		18	